

**REMARKS**

Claims 7, 8 and 26-33 remain pending in the application.

**Claims 26, 28-30, 32 and 33 over Chack**

In the Office Action claims 26, 28-30, 32 and 33 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,751,211 to Chack ("Chack"). The Applicants respectfully traverse the rejection.

Claims 26, 28-30, 32 and 33 recite, *inter alia*, associating user specific pre-designated information with call related information relating to a first device, and using the call related information to automatically retrieve the user specific pre-designated information in response to a call from the first device without a need to answer the call from the first device.

The Examiner alleged that Chack discloses using call related information to retrieve pre-designated information in response to a call from a first device without answering the phone at col. 7, lines 61-65, col. 8, lines 61-63, col. 9, lines 46-48 (see Office Action, page 2). The Applicants respectfully disagree.

Chack at col. 8, line 58-col. 9, line 7 discloses:

In certain situations, a transaction processing system may receive an incoming call notification, but may not be capable of accepting the call for processing (e.g., all agents are already busy and all queues are full). If a particular call cannot be accepted, then the transaction processing system may provide a URL to the caller without answering the call. The web page associated with the URL informs the caller that the system is unable to answer the call, and provides the user with alternate options (e.g., leave an e-mail message, request that an agent call the user, or browse web pages containing information about the organization called by the caller). Since the transaction processing system does not answer the incoming call, no connect charges are incurred because no connection was established. Typically, these connect charges are incurred by the operator of the transaction processing system that provides a toll-free number used by callers.

Chack discloses a transaction processing system receiving an incoming call notification at a time when the transaction processing system is incapable of accepting the incoming call for processing. If the transaction

processing system cannot accept the incoming call, the transaction processing system provides the caller with a URL with alternate options. Chack's alternate options are given to every caller that the transaction processing system cannot accept an incoming call from, not being user specific. Chack fails to disclose associating user specific pre-designated information with call related information relating to a first device, much less using the call related information to automatically retrieve the user specific pre-designated information in response to a call from the first device without a need to answer the call from the first device, as recited by claims 26, 28-30, 32 and 33.

A benefit of using the call related information to automatically retrieve the user specific pre-designated information in response to a call from the first device without a need to answer the call from the first device, e.g., a saving of toll charges. In many instances, a telephone call can incur toll charges, either wireless airtime units or long distance charges. The use of call related information, that can be obtained without having to connect a telephone call between a calling device and a called device, allows a determination of an identity of a calling party. The calling party's identity can be used to retrieve user specific information that can then be provided to a caller without any charges to the caller. Chack fails to disclose the claimed features having such benefits.

For at least all these reasons, claims 26, 28-30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claims 7 and 8 over Makela**

In the Office Action claims 7 and 8 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,301,338 to Makela et al. ("Makela"). The Applicants respectfully traverse the rejection.

Claims 7 and 8 recite associating an email with a first phone number, the email comprising caller specified pre-designated information associated with call related information relating to a calling communications device.

Makela appears to disclose a communication device comprising a message function wherein a short message is set in response to an incoming message in a situation where the user can't answer the call. (see Abstract) A user can depress a function key to select a predefined message from a list of ready messages (see Makela, col. 7, lines 43-46) The user can write a desired reply message through a keypad. (see Makela, col. 7, lines 22-23)

Thus, Makela discloses a reply message that is specified by a **called party**. Makela fails to disclose a message that comprises **caller specified pre-designated information**, much less associating an email with a first phone number, the email comprising **caller specified pre-designated information** associated with call related information relating to a calling communications device, as recited by claims 7 and 8.

For at least all these reasons, claims 7 and 8 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 7, 8, 27 and 31 over Chack in view of Pepe**

Claims 7 and 8 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 5,742,668 to Pepe et al. ("Pepe") in view of Chack, and claims 27 and 31 were rejected over Chack in view of Pepe. The Applicants respectfully traverse the rejections.

Claims 7 and 8 recite using call related information from a call to automatically identify and provide an email **to a calling communications device** after the calling communications device calls a first phone number and without answering the call to a first phone number from the calling communications device.

The Examiner acknowledged that the Pepe fails to teach "transmitting information to a device without answering a call." (see Office Action, page 10). The Examiner relies on Chack to allegedly make up for the deficiencies in Pepe to arrive at the claimed features. The Applicants respectfully disagree.

As discussed above, Chack discloses providing a caller with a URL that informs the caller that the system was unable to answer the call, and provides the user with alternate options, i.e., a generic response when the system cannot answer a call. One of the alternate options is for the user to **leave** an e-mail message to personnel at a transaction processing system not to a calling communications device. Thus, giving a caller an option to leave an e-mail message to personnel at a transaction processing system without answering a call is NOT providing an email to a calling communications device, much less provide an email to a calling communications device after the calling communications device calls a first phone number and without answering the call to a first phone number from the calling communications device, as recited by claims 7 and 8.

Thus, Pepe and Chack, either alone or in combination, fail to disclose, teach or suggest a way for a user to conveniently retrieve an email message without incurring phone call connection charges, much less using call related information from a call to automatically identify and provide an email to a calling communications device after the calling communications device calls a first phone number and without answering the call to a first phone number from the calling communications device, as recited by claims 7 and 8.

Claims 27 and 31 recite, *inter alia*, associating user specific pre-designated information with call related information relating to a first device, and using the call related information to automatically retrieve the user specific pre-designated information in response to a call from the first device without a need to answer the call from the first device. The pre-designated information is further defined as being transmitted in a short message by claims 27 and 31.

As discussed above, Chack fails to disclose, teach or suggest the claimed features of claims 26 and 30 from which claims 27 and 31 depend. The Examiner acknowledge that Chack fails to teach transmitting a short message (see Office Action, page 8). The Examiner relies on Pepe to allegedly make up for the acknowledged deficiencies from Chack. The Applicants respectfully disagree.

Pepe appears to teach a service management system (SMS) at col. 6, line 43. Pepe further teaches a subscriber that may direct an email to a recipient based on selected parameters at col. 21, lines 46-48. However, Pepe's SMS is a service management system (SMS) not a Short Messaging Service that facilitates short message communications. Pepe fails to mention use of a short message anywhere within his disclosure, much less disclose, teach or suggest associating user specific pre-designated information with call related information relating to a first device, and using the call related information to automatically retrieve the user specific pre-designated information in response to a call from the first device without a need to answer the call from the first device, with the user specific pre-designated information being transmitted in a short message, as recited by claims 27 and 31.

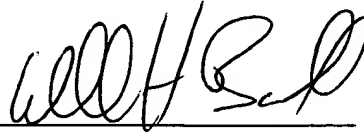
Chack and Pepe, either alone or in combination, fail to disclose, teach or suggest associating user specific pre-designated information with call related information relating to a first device, and using the call related information to automatically retrieve the user specific pre-designated information in response to a call from the first device without a need to answer the call from the first device, with the pre-designated information being transmitted in a short message, as recited by claims 27 and 31.

Accordingly, claims 7, 8, 27 and 31 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

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